

# Town of Frederick Board of Trustees



Eric Doering, Mayor

Sue Wedel, Mayor Pro Tem  
Liberta Hattel, Trustee  
Amy Schiers, Trustee

Tony Carey, Trustee  
Gerry Pfirsch, Trustee  
Jim Wollack, Trustee

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AM 2010-020

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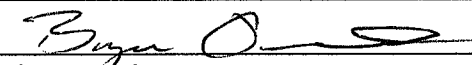
## AN ORDINANCE REGARDING CERTIFICATION OF LIENS TO WELD COUNTY FOR UNPAID DELINQUENT FEES/CHARGES/ASSESSMENTS/TAXES OWED TO THE TOWN

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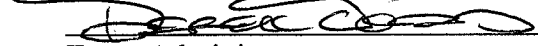
**Agenda Date:** Town Board Meeting –March 9, 2010

**Attachments:**

- a. Ordinance No. \_\_\_\_\_
- b. CRS § 31-20-105

**Fiscal Note:** None noted  
  
Finance Director

**Submitted by:** Town Attorney  
Staff Title

**Approved for Presentation:**   
Town Administrator

**AV Use Anticipated** Projector \_\_\_\_\_ Laptop \_\_\_\_\_

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**Certification of Board Approval:** \_\_\_\_\_  
Town Clerk Date

**Summary Statement:**

Specific adoption of a municipal ordinance referencing the statutory authority to lien for unpaid fees and assessments owed to a town is required for certification of such amounts to a county treasurer for collection.

**Detail of Issue/Request:**

Statutory municipalities must look to the powers granted to them by the Colorado Constitution and Revised Statutes. C.R.S. § 31-20-105, provides the authority for a municipality to certify delinquent charges, assessments, or taxes owed to a town by any person or property owner to the treasurer of the

county to be collected and paid over by the treasurer of the county in the same manner as taxes are authorized. Though this authority exists in statute, case law has looked to whether a municipality has specifically adopted a local ordinance pursuant to this section of the Revised Statutes. Out of an abundance of caution, it is recommended that Frederick expressly adopt an ordinance to be placed in Chapter 1, Article IV of the **Frederick Municipal Code** expressly invoking this authority and putting all citizens on notice of this remedy held by the Town. The proposed new section would be Sec. 1-76.

#### **Legal/Political Considerations:**

Adopting an ordinance to this effect will put all town residents on notice of the possibility that their unpaid amounts owed to the Town may become liens against their real property and will provide the verification to Weld County that Frederick has appropriate regulations authorizing the certification of these amounts as tax liens.

#### **Alternatives/Options:**

The Board could decline to adopt a new ordinance in the Municipal Code, opting to rely on the existing language in the Utility chapter of the Code allowing it to collect service fees through certification to Weld County and by adopting a lien-specific section in the Land Use Code to catch development fee-related liens

The Board could decline to adopt any new ordinance or revision to any Town Code, and instead rely on non-lien remedies for collection of these amounts, e.g., service disconnection, withholding development permits, etc.

#### **Financial Considerations:**

A nominal cost will be involved in preparing the certifications for the County, but those expenses can be rolled into the certified amount, per §31-20-105, CRS.

#### **Staff Recommendation:**

The Town Attorney's Office recommends adoption of this ordinance and a companion addition to the Land Use Code to put current and potential property owners in the Town on notice of the remedies the Town may exercise to collect unpaid amounts owed to the Town.